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National Assembly on June 2, 1952, concerning the "Organization of the Judicature." Article 1 of the Law emphatically states that the function of the judiciary is the defense of the socio-economic structure of the state and of the rights and interests of state institutions and organizations. Furthermore, it is emphasized that the aim of the judiciary is the "education" of the citizens "in the spirit of devotion to the fatherland and in the spirit of the construction of socialism" (Article 2).

The people's assessors perform in practice a much greater function in judicial proceedings than those specified by the Constitution. The Minister of Justice is authorized to detail them from one court to the other whenever circumstances require. Thus, there are actually special teams of "people's judges" which the Ministry of Justice can use in accordance with the political interests of the Party.

Article 9 of Law No. 5 of 1952 also authorizes the courts to hear cases outside their seats if this is required "to fulfil the educational purpose of justice." Furthermore, hierarchically superior courts may take away from subordinate courts any case "in order to hear it themselves or have it heard by another court."

The required impartiality of judges is furthermore impaired by limitations imposed by the electoral laws on the right to participate in the election of people's judges. The privilege is restricted to the "democratic" elements only (Article 13, Paragraph 7, of Law No. 5). This is coupled with the provisions confining the nomination of candidates to the United Workers' (Communist) Party or to its affiliated mass organizations (Article 13, Paragraph 1).

In discussing the new role of justice and law, Vasilescu-Alba, a jurist of the Rumanian People's Republic, asserted that "all legal rules, being the expression of the will of the working class, must be understood and interpreted in the light of the class struggle." Justice is thus "an executive organ of the will of the working class." Positive law, when in disagreement with this principle, must make room for the "legal conscience of the proletariat."[3]

The fundamental rights and duties of citizens are enumerated in a special chapter. The primacy of social rights over individual rights is, as in the USSR, both functional and political.[4] Most of the rights and freedoms stipulated by the Constitution are either programmatic, circumscribed by escape clauses, or outright illusory. Thus, for instance, the provision relating to freedom of the press, speech, and assembly, as stated by Article 85, (a word-by-word replica of Article 125 of the Soviet Constitution of 1936), emphatically denies

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[3] "Statul Polițienesc" Cronica Românească, October 1, 1950, p. 25.

[4] Professor Boris Mirkine-Guetzevitch, while recognising the dictatorial character of all the constitutions in the Soviet sphere, makes nevertheless a distinction between the declarations of rights of the Soviet constitutions and those of the satellite constitutions. According to Professor Mirkine, whereas the declarations of the People's Republics establish the "functional" primacy of social rights over individual rights, those of the Soviet republics establish "political" primacy. See Boris Mirkine-Guetzevitch, Les Constitutions Européennes, 2 vol. Paris, 1951.

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565 665 inhabitants, they had remained a field for partisan skirmishes among the different factions of the boyars and the growing financial and industrial interests. The limited ambit of politics was not, however, altogether the responsibility of the boyars, though most of them certainly cannot be charged with equalitarian leanings.

829 642 621 Much has been written in Rumania on the primitive state of the peasant, his inability to govern himself, and the necessity for his gradual, supervised initiation into the mysteries of government. While such writings often conceal an *arrière pensée*, they contain one element of truth: the economic role of the peasant, as a relatively self-contained and self-sufficient producer, does confine the orbit of his interests to his village. This limitation of interests has nothing to do with any shortcomings on the part of the peasant, but merely means that his economic and social life does not extend into many of the fields which comprise the necessary activities of modern governments. The immediate and obvious wishes of the peasant—such as more land, more lenient credit, and lower taxes—cannot be the satisfactory basis of a political program unless they can be related to some means of realizing them. The possibility of their direct and immediate fulfillment in Rumania was limited; the indirect measures which could ultimately improve his status—the over-all increase of the nation's productivity and capital—involved questions quite beyond his understanding as a peasant, if not as an individual.

565 In all states there is a gap between the desires of the average voter and the complexities of economic and administrative activity; in Rumania this gap was accentuated by the fact that almost four-fifths of the population was of the peasantry. Moreover, since such a large percentage of the population was devoted to one occupation, there was relatively little scope for the diversified play of economic and social interests in politics such as characterizes a more advanced society. Rumanian writers, regretting the division of their society between a formless mass of peasants and an oligarchic ruling group, have perennially pined for the emergence of a middle class. During the interwar period the base for political activity broadened somewhat through increasing industrialization, through the growth of a more numerous middle peasantry, and through strong regional interests in the new provinces, but the great bulk of the electorate was still the poor peasantry, whose chief historical means of declaring its wishes had been in sporadic and unsuccessful uprisings.

● 666 Partly for these reasons the extension of the suffrage after the First World War did not lead to political democracy. Politics, which retained a distinctly Phanariot flavor, was the art of taking advan-

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tage of the amorphous character of the peasantry. Rumanian elections were notorious for their corruption, ballot stuffing, and general unreliability as measures of public sentiment. Perhaps only two elections in the entire period were at all free and fair, and both produced a marked upset in political life. In most cases elections were "made" in advance. Many governments were in power through no popular mandate whatsoever but merely through political arrangements; dismissals were equally arbitrary and only occasionally resulted from the loss of popular confidence. It would be futile and misleading to attempt to explain the course of Rumanian politics by an analysis of the elections.

The most notable shifts in the political pattern in the years immediately after the First World War were the disappearance of the Conservative party and the rise of a number of new political formations, some of which were very short-lived. The position of the Conservatives had been declining even before the war, partly because of periodic crises in the selection of leaders.[3] The question of land reform and Rumania's participation in the war completely split the party; after 1918 there were two principal factions, the Conservative Democrats under Take Ionescu and the Progressive Conservatives under Alexandru Marghiloman. Ionescu participated in the Averescu cabinet of 1920–21, and after its fall attempted unsuccessfully to form a government; he died in 1922 and his followers subsequently joined Maniu's National party. Although Marghiloman confidently declared in 1923 that the "conservative doctrine is enjoying a flowering and an extraordinary vigor throughout the world," [4] his party disappeared shortly and was absorbed by other groups.

Perhaps too much social significance has been attributed to the disappearance of the Conservatives as a sign of the uprooting of the old boyar class through the land reform and the extension of the suffrage. Considering the ease with which Rumanian parties were concocted from thin air and parliamentary majorities obtained, equal emphasis should be placed upon internal party weaknesses and schisms and upon the consequences of the Germanophile attitude of many Conservatives during the war. To be sure, the Conservative doctrine, if there was such, had little to offer. Marghiloman could insist that *natura non facit saltum* and urge the importance of tradition and natural development, but in plain fact Rumania was pro-

3. "The history of the Conservative Party in Rumania has been the history of struggles for chiefs." Rădulescu-Motru, *op. cit.*, p. 36.

4. A. Marghiloman, "Doctrina conservatoare," in Institutul Social Român, *Doctrinele partidelor politice* (Bucarest, n.d.), p. 111.

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175 on well together, and it was generally believed that Brătianu had
665 forced the king to exclude Carol.

[661] Communal elections were held in February in an atmosphere of political excitement. The government, for all its electioneering techniques, did badly, especially in the larger towns. It won only one-third of the seats in the Bucarest municipal council. In Bessarabia the United Opposition won all lists. The government was defeated in most Transylvanian towns, notwithstanding its pact with the Magyar party; it won most of the rural Transylvanian communes through official pressure and the aid of the gendarmerie.

175 In March the Brătianu cabinet reached the end of its four-year
671 term. In the last session of parliament it passed a new electoral law,
● 666 whose unusual provisions were to make Rumanian elections even less representative of public opinion. Deputies had previously been elected on a proportional basis. According to the new act, modeled on Mussolini's law of January 7, 1923, the party gaining a plurality and at least 40 per cent of the votes was declared the majority party: it was to receive, as a premium, half the seats in the chamber plus a number of the remaining seats corresponding to its percentage of the total vote. Thus, a party gaining 40 per cent of the votes would occupy 70 per cent of the seats in the chamber (50 per cent plus two-fifths of the remaining 50 per cent). The remainder of the seats was divided proportionally among the other parties; a party failing to gain 2 per cent of the total votes obtained no representation.

According to the Liberals, there was nothing extraordinary about this law. A bill for electoral reform had been part of the Liberal program and had been stipulated in the 1923 Constitution.[19] In a country with such a multitude of unstable parties it might be argued that the "premium," as it was called, was a necessary device to give the party in office a sufficiently strong parliamentary majority to enable it to carry on its business.

Nevertheless, given the idiosyncrasies of Rumanian politics, the law had two very unfortunate effects. Since it was the practice for the crown to summon a government, which then proceeded to hold, or "make," elections with the aid of the administrative apparatus, the electoral law increased the opportunity for the selected group to swing the elections in its favor. On the other hand, the failure of a party obtaining less than 2 per cent of the votes to gain any repre-

19. According to Article 138 of the constitution, the current national assembly (i.e., the Liberal majority) could function after the promulgation of the constitution until the expiration of its mandate. During that period an electoral law was to be passed in accordance with the principles laid down in the constitution.

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sentation was a natural incentive for such parties to abandon the parliamentary track altogether. The timing of the law led the opposition parties to charge that it was merely part of the Liberals' plan of grooming General Averescu to replace them, since his party was obviously weak in popular support. There is no question that in 1924 and 1925 Averescu had not cooperated with the other opposition parties but had worked in some measure with the Liberals.

On March 27, 1926, Brătianu resigned amid rumors that he favored General Averescu as his successor. The opposition was still fumbling in its efforts to unite; negotiations between the Transylvanian Nationalists and the Peasant party had broken down again on March 22 over a disagreement on the distribution of cabinet posts. The king, on March 29, consulted the leaders of the Transylvanian National, Peasant, and People's parties and requested a coalition cabinet; apparently the Peasants and the Nationalists agreed. But on the following day, much to their chagrin, King Ferdinand called on General Averescu to form a government.

The reasons for the king's action are not altogether clear. The Nationalists and the Peasants had blundered in not mending their differences earlier and achieving a solid coalition. On the other hand, the king had been responsible for their dismissal in 1920 and was probably quite doubtful of their ability to govern properly and likely to accept the advice of Brătianu. Brătianu of course denied that his party had any agreement with General Averescu but his disclaimer is not convincing. "All we did," he said, "was to prepare the atmosphere in order to bring into power a government which would present a guarantee for the continuity of the work accomplished by us. Apart from this we are the declared opponents of the present government." [20] It was generally believed, and probably correctly, that Brătianu had strongly urged the king to install General Averescu.

Averescu held elections in May. The National party and the Peasants, still unable to achieve fusion, agreed to collaborate in the election. Despite the premium Averescu faced quite a task in overcoming his party's numerical weakness, but he acted resolutely and altogether successfully in one of the more outrageous Rumanian elections. Military officers on active service were appointed as prefects of a number of districts. Circulation of vehicles and persons was strictly controlled. The leaders of the opposition were unable to get in touch with their constituents; even Ion Brătianu was blocked on one trip, and Mihalache was arrested by gendarmes in his own electoral district. Gendarmes supervised public gatherings and were directed to intervene

20. *Times* (London), April 21, 1926.

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661 if anyone attempted "to excite the people." Political manifestoes and
666 slogans required the approval of the prefect. On the day of the election, numerous opposition delegates were arrested and not permitted to supervise the voting or the counting. There was some violence and a few deaths.[21] Averescu, by these means, obtained 52 per cent of the votes, but under the premium he gained 292 out of 387 seats in the chamber, the Opposition block held 69 seats, the Liberals 16, Cuza's League of Christian Defense (an anti-Semitic formation) 10; the socialists and the Communist-sponsored workers' bloc, having obtained less than 2 per cent of the votes, were not represented.

665 175 After the election the National and Peasant parties continued their efforts to unite. In September delegates of the two parties voted for fusion into a National Peasant party with Maniu as president and Mihalache as vice-president. Iorga, however, declined to vote, and the Peasant leader Dr. Lupu opposed the decision. The fusion was confirmed by the general congress held on October 10.

A new crisis arose with the serious illness of King Ferdinand in November, 1926, and the renewed controversies over the succession, Carol's renunciation, and the regency. The National Peasants, who believed that King Ferdinand had been an instrument of the Liberals, were dissatisfied with the succession and were reluctant to regard Carol's renunciation as final. All parties, however, felt that in the king's failing condition the Averescu cabinet was not sufficiently representative to govern alone. Brătianu sounded opposition leaders on the possibilities of forming a national cabinet. General Averescu made several unsuccessful efforts to achieve a coalition with the National Peasants, perhaps in an effort to free himself from his dependence upon the Liberals. Having failed to create a coalition he was obliged to resign on June 3, 1927.

A new "impartial" cabinet under Prince Barbu Ştirbey (a relative by marriage of the Brătianus and periodically proposed as the head of a caretaker cabinet, the last time in 1945) came to office and included some Liberals and Dr. Lupu, who had split with the National Peasants in February and formed an independent peasant group. After negotiations with the National Peasants, three members of Maniu's party joined the coalition. The principal object of this cabinet, which was in effect a temporary Liberal-National-Peasant coalition, was to preside over new and free elections. However, negotiations between Maniu and Brătianu broke down. Maniu refused Brătianu's proposal for a common list of candidates in the coming election with

21. The electoral abuses were brought up by opposition leaders in parliamentary interpellations after the elections.

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were faced with a dilemma, partly of their own making. In the narrow political life of the Old Kingdom, with its restricted franchise and small ruling class, the Liberals had been most successful in retaining power for the greater part of Rumania's independent existence; with the Conservatives as a foil they were even able to appear as the supporter of progressive forces, and did indeed attract a number of peasant leaders and socialists into their ranks.

With the agrarian reform, however, and the appearance of a new electorate under universal suffrage, their situation became less comfortable. It was not that they were driven to the Right—on the whole their attitude showed a marked consistency—but that their actual policy now appeared in more obvious contrast to their theoretical principles. After the agrarian reform they could no longer pose as opponents to the boyars; they became quite clearly the advocates of industry as opposed to agriculture. Since the great majority of the population were peasants, universal suffrage was bound to produce mass parties opposed to the financial and industrial domination of the Liberals, whose only defense was a perversion of the electoral process. Under these circumstances, it is rather surprising that the Liberals should have been the agents for the introduction of both the agrarian reform and universal suffrage. Two explanations may be offered. In the first place, the Liberals' initiative in these matters was by no means as great as they proclaimed it to be. They were intelligent enough to see which way the wind was blowing and realized that an attempt to block electoral and agrarian reform would merely produce a violent social upheaval. Their initiative was largely in adapting themselves to the course of events. At the same time, a closer examination of their action shows that they attempted to avoid the full implications of these reforms. Their dilatory tactics in the history of the agrarian reform have already been described. The same evasiveness is apparent in their electoral policy.

In 1913 Ion I. C. Brătianu did come out for electoral reform, but his intention seems to have been the unification of all electors in one college rather than three, not universal suffrage. The franchise apparently would have been limited to literates, which would have excluded the greater part of the peasantry. In 1914, according to Mihalache,[27] Constantin Brătianu, third brother of Ion I. C. Brătianu and leader of the Liberals in the last decade, declared universal suffrage to be an aberration. The 1917 amendment, passed under the pressure of social unrest, provided for "proportional" representation. The Constitution of 1923 omitted this term, and the electoral law

27. Mihalache, *op. cit.*, p. 38.

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665 of 1926 introduced the system of the majority party premium. In
666 these developments, as Mr. Mitrany has observed, one can detect a
642 "subtle reactionary alchemy."

665 On the other hand, the Liberals' agrarian and electoral policy may not have been altogether opportunistic. There is ample reason to believe that they really regarded western European society as a model for Rumania. Many of them had been trained in Paris and in their personal lives they strove to be as Western as possible. Hence, they probably quite honestly felt that ultimately the western European peasant cultivator who enjoyed the franchise should find his replica in Rumania. Unfortunately, this goal had little to do with present Rumanian realities, and the Liberals were confronted with the alternative of Balkanizing their Western ideals or of being overthrown by them. They chose the former course.

The disparity between liberal theory and Liberal party practices in the post-1918 period appears clearly in a lecture on the "Liberal Doctrine" delivered in 1923 by I. G. Duca, who later became leader of the party on the death of Vintilă Brătianu.[28] After taking pains to refute the prevalent belief that between Rumanian parties there were only differences of persons and ambitions, not of conceptions and doctrines, Duca defined the Liberal credo in the following formula: "Progress in all forms but within the framework of the concept of individual property." Progress, however, could be realised only "through order, through democracy, through nationalism, and through social harmony." By order he meant the avoidance of anarchy, not the absence of change. He defined democracy as government of the people, by the people, and for the people, and in antithesis to demagogy. While opposing excessive or exclusive nationalism, he held that progress was possible only through the developments of national forces; economic nationalism expressed the instinct of self-preservation and was a means "to safeguard the material individuality of each nationality, to prevent its destruction by elements superior in strength or in organization." Collaboration with foreign powers or even with foreign capital was not excluded but it should be on terms which corresponded with national interests. He regarded social harmony as a necessary counterbalance to the doctrine of class struggle.

Duca then went on to show that liberalism was not a rigid doctrine, but had adapted itself to changing circumstances. It had abandoned the classical idea of property as sacred and inviolable and had accepted the principle of property as a social function, allowing for such measures as expropriation and the nationalization of the subsoil. In the field of political economy Rumanian liberalism had

[28] I. G. Duca, "Doctrina Liberală," *Doctrinele partidelor politice*, pp. 103–110.

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[652] the economic crisis which had become endemic, sought to
665 withdraw for a brief period from office in order that popular
661 indignation might be appeased. As it had become obvious, however, that the Opposition, headed by the Transylvanian and peasant groups of the old kingdom aided by the Bessarabians, would sweep the polls and deprive the Bratianu party of the privileges it had arrogated to itself during its last tenure of office, the government manoeuvred to appoint in its stead a political group on whose subservience it could count. The choice fell on General Averescu, who could not pretend to independence of action owing to the numerical weakness of his group, and who was forced to act in leading strings held by the Bratianus on account of his absolute dependence on their support. As a consequence of the prevailing exasperation throughout the country it could be foreseen with certainty that it would be impossible to secure a favourable majority at the election following the exit from office of the Bratianus, even if use was made of the devices habitually employed on such occasions.

666 Before the dissolution of the Chamber, therefore, the
646 Bratianus passed a law reforming the electoral system then in use, which completely altered the very essence of democratic government. By the new system a party obtaining 40% of the total votes cast secured 70% of the seats in the Chamber, and thereby a party which did not possess the support of the majority of the electors might nevertheless secure an imposing majority in the Legislative Chamber. Through the passing of this measure into law, the coming to power of unpopular parties and royal favourites has been made possible, for owing to the malpractices and abuses current at elections, it is relatively easy in Rumania for any person in control of the state-machine to secure the requisite 40% of the votes necessary to ensure him complete domination of the Chamber.

666 In ordinary circumstances there would have been no necessity for this electoral law, since the public has usually a very wholesome respect for whatever party is in power, allowing it to organize the elections to suit its wishes, and permitting it to exert a dominating influence on the polls so that it may be said that the elections are always "made."

THE POST-WAR PERIOD

The elections which followed in May, 1926, were among the most violent which had been witnessed in Rumania. Though the Averescu group had secured the support of the Magyars, Germans, Jews, Bulgarians and Turks by holding out to them the most alluring promises, it in no way felt secure, and therefore had recourse to extensive terrorist methods. Most Opposition leaders were arrested. Opposition leaders like Maniu and Vaida-Voevod were prevented from holding meetings. Mihalache was set upon by gendarmes and beaten at his home at Topoloveni. The Bessarabian leaders, Stere and Halippa, while travelling to Bessarabia were ignominiously thrown out of their train at Floresti, placed under an escort of gendarmes and conveyed on foot to Cetatea-Alba, a distance of 300 kilometers, despite the fact that they were both in a poor state of health at the time. The army and gendarmerie were mobilized and ordered to see to it that Rumanian citizens did their duty (such as it was conceived to be by the government of H.M. King Ferdinand of Rumania). One of the manifestos issued and distributed broadcast by army air-planes at the time read:—"If you trust in the King then you must trust in his government." As for the way royalty in Rumania conceived its duty of guarding the letter and spirit of the Constitution, one may judge by the fact that the King, aware of the violence to be committed, and knowing that as the supreme arbiter in the country he would be besought from all sides to intervene and put a stop to it, could think of nothing better than to elude his responsibilities by betaking himself to his yacht, and cruising on the Danube for a whole week so as not to be importuned by the complaints of his liege subjects!

In spite of the unprecedented violence employed the government obtained only 54% of the total votes cast, but it must be remembered that this percentage included almost the whole of the votes cast by the minorities.

For some time Averescu meekly followed the lead of Bratianu. He surprised nobody, however, when he began to show manifest signs of insubordination, but to no avail.

For the Liberals, knowing the shifty customer with whom they were dealing, had taken their precautions. During their four years of office they had bestowed on most of the

country to the verge of a catastrophe, proved, however, to be too much for the less experienced hands of Vintila Bratianu. Unable to secure a foreign loan, the need of which had become imperative, he had no choice but to allow the transfer of the reins of power in November, 1928, to the Opposition, represented by M. Maniu and the National Peasant party. The elections which followed took place in freedom, and though this time the minorities did not all vote for the government, nevertheless the latter secured for itself about 78% of the total number of votes cast, which may be taken as an infallible proof of its popularity. This assured it of a compact majority of 348 seats in the Chamber. The Opposition was insignificant, and was composed of sixteen Magyars, thirteen Liberals, and ten seats distributed amongst various groups. This election disposed of the fiction that Communism had a hold on the Rumanian people, for the total Communist vote attained only 35,000 out of a total of 2,840,660, and it thus became evident that the bogey of Bolshevism had been cleverly exploited by the Bratianu dictatorship, in order to justify its terroristic methods in Bessarabia, as well as for the purpose of winning the goodwill of the Western Powers for its alleged attempts to repress it. The most pressing need the Maniu government had to face was the obtention of a foreign loan in order to avoid the certain catastrophe with which the finances of the country were threatened. The funds obtained, however, barely sufficed for stabilizing the currency, and were altogether inadequate for the task of reconstruction, and even for the purpose of paying off the most pressing debts left by the former régime, so that a further loan had to be secured in 1931.

Unfortunately the country was in a derelict condition, and with the banking institutions under the control of its adversaries, determined to undermine the work of the new government, the latter had an exceedingly difficult task to tackle. The government passed several liberal measures, such as the suppression of the censorship, the abrogation of military law in Bessarabia, the reduction of the personnel of the gendarmerie (chiefly employed by Bratianu for dragooning the population at election times), and set about

THE POST-WAR PERIOD

A very unfavourable impression was created by the dismissal of the Chamber controlled by the National Peasant Party, the only standard-bearer of democracy in the country. It is probable that the electorate would have reacted with more spirit if the people had not foreseen that the thwarting of the royal will would have entailed the abolition of even the semblance of a Parliamentary system, and the proclamation of a pure dictatorship. Though not to an overwhelming extent, violence and illegality were pretty freely employed, to judge from the cases reported in the Press, yet in spite of all these artifices and the mass abstention of its opponents the elements supporting the Iorga-Argentoianu Coalition secured only 48% of the total votes cast; a very meagre performance indeed if it be remembered that even the Liberal party figured among its supporters.

That the Iorga-Argentoianu Cabinet did not fulfil the hopes placed in it by the King became obvious when he again summoned M. Titulescu, early in 1932, to Bucarest, and asked him to form a broad coalition cabinet. No real coalition cabinet truly representative of the national will could be formed without the inclusion of the National Peasant Party, and the leaders of the latter, when sounded, replied in a truly dignified manner that so long as constitutional methods were not observed they would abstain from participation. M. Titulescu gave up the mission and once more returned to his ambassadorial duties in London. Even those who by their votes helped the Cabinet to install itself in office seemed to have turned against it, for during a sitting of the Rumanian Senate on December 5th, 1931, M. Pillat, belonging to the Liberal party, delivered the following trenchant criticism on the Cabinet: "When you came to power you had promised three principal things: 1st, reduction of the Budget and a lightening of taxation through economies; 2nd, a redressing of the financial and economic situation and of the agrarian crisis; 3rd, penalties for all abuses. But what has been realised? The policy of feigned economies has not stopped the practice of dissipation, aggravated by fresh injustices. In a time of such poverty you have not only maintained old sinecurist in office but you have created even new ones. Favourites of other régimes who exert cumulative

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certain extent, as apparently the new French government will be less inclined to make financial advances. Nevertheless the Cabinet will hesitate to assume the responsibility of openly defaulting, lest such action should be resented by France and to a lesser extent by England, and bring about Rumania's political isolation in face of Russia. So that, strange as it may seem, the dread of the Bolsheviks may contribute to the respect of engagements, the repudiation of which would be applauded by the latter.

The press organ of General Averescu, the "Indreptarea," in its issues of 12th and 18th May, 1932, contains some interesting comments on the findings of the French experts. It thus affirms that the experts have ascertained that there is a lack of control in the handling of the public funds, that there is a great redundancy of officials, and that huge frauds are committed at the expense of the State revenues. As an example, the case of the revenue from the Customs was given, which was estimated at 1,200 million lei, yet only yielded 400 millions, the balance of 800 millions having been fraudulently diverted to other pockets than that of the State. M. Rist, affirms the "Indreptarea," had recommended a compression of the expenses through the dismissal of a large number of functionaries, and the creation of a control of all payments made to the State so as to eliminate the numerous frauds to which the Budget deficit is principally due. If these reforms were effected, Rumania, according to M. Rist, could fulfil her external obligations. However, the findings of the experts were not likely to enhance the prestige of Rumania in Paris and it hardly seemed likely that the French would now keep their promise made to M. Argentoianu to give pecuniary assistance to Rumania, unless they were allowed to exert a control which would be tantamount to applying to Rumania the status of what in its essence would be a colonial dependency. Such measures, if their acceptance were advocated by the Government, would weaken its prestige to such an extent that it could no longer maintain itself in power, even if it enjoyed royal support. The weakening of its authority was manifested by its decision not to allow the holding of municipal elections which were to take place in

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645 June, 1932, a measure which is resented by all political [666] parties as a formal violation of the constitution. [644]

From the above it will be clear that whatever popularity the Iorga-Argentoianu Cabinet may have enjoyed, and whatever the hopes to which it may have given rise on its formation, these have now been totally dispelled. This is not without causing a distinct prejudice to Rumania, for undoubtedly, Prof. Iorga is one of the most distinguished Rumanians and represents an immense moral asset for the country. He would have proved an ideal chief for a broad coalition of all political parties, and his presence, owing to his integrity as well as to his erudition would have immensely strengthened the position of such a popularly elected government.

000 Owing to the marked "lipsandry" from which Rumania is suffering, it was an unpardonable mistake on the part of her ruler to expose an eminent personality like that of Prof. Iorga to risk his reputation, and by trading on his sentiments of devotion to the throne to force him to join a team headed by an Argentoianu, who, according to General Averescu, ought to be in the dock, and not on the Ministerial bench.[1]

665 With the passing of time, and with the worsening of the situation, attacks on the present régime have become more virulent. General Averescu, who under Rumania's former kings was often appealed to on difficult circumstances, and who feels that he has been undeservedly ousted by the Iorga-Argentoianu combination, continues his vehement attacks on both Government and King, whom he threatens with the fate of Prince Cuza, deposed forcibly in 1866. Far more significant, however, is the attitude of the National Peasant Party, which so far has maintained a very dignified attitude. All of a sudden on May 15th, 1932, the "Patria," the organ of the Transylvanian section of the party, launched a virulent attack on the régime, denouncing the scandalous exploitation to which Transylvania is being subjected and threatening with a demand for autonomy. This campaign,

[1] In June, 1932, the "Dreptatea" repeatedly accused Argentoianu of having appropriated 20 million lei of public money, of which, 12 millions between May 17th and 31st, and eight millions on June 3rd and 4th, after he had resigned from office.

668 resound from the province across the Carpathians are not isolated. The whole country is agitated by this discontent which may explode at any moment."

The above statements should not be taken as outbursts of spite, for even in official publications, such as the bulletin of the Constantsa Chamber of Commerce, we come across similar pronouncements: "We are facing a complete economic disaster. All the productive forces of the country are exhausted. All private savings lent on credit are lost owing to general insolvency. The State is unable to collect even one fourth of the direct taxes it imposes. We have arrived at this state of affairs owing to the irrational financial policy of post-war governments . . . . . Great mistakes were committed, and this fact should be admitted before we start on the right path. Many of our rulers were incompetent and dissipated, not to say that they acted as profiteers." (February, 1932, p. 23–26.)

645 [652] Since proofs were submitted the following events have occurred in Rumania:

Owing to the growing discontent among public functionaries, pensioners and officers at their not receiving their pay, the King felt constrained to enjoin the Cabinet to satisfy forthwith the legitimate claims of these public servants. The government, unable to comply with this behest, tendered its resignation early in June, whereupon the King once more convoked M. Titulescu to Bucarest, and bade him form a coalition cabinet. M. Titulescu's efforts proved again fruitless; for while the National Peasant Party did not refuse its co-operation, the Liberal Party asked that it should be entrusted with a mandate to form a government, as it pretended to be strong and capable enough to deal singly with the situation.

666 As, however, no party possessed a majority in the Chamber, it was decided to dissolve it, and to appeal to the electorate. M. Vaida-Voevod, who is known to be strongly opposed to gerrymandering, and other electoral abuses in vogue in Rumania, formed a provisional government to supervise the elections. These were held in July, and the

National Peasant Party, though it polled less than 50% of the votes cast, secured 272 seats against 114 won by the Opposition. (The Liberals obtained 28, and the section of the party led by M. G. Bratianu, 14 mandates.)

M. Vaida-Voevod having discharged the duty assigned to him retired from office; but as the National Peasant Party possessed a working majority in the newly-elected Chamber, it was called upon to assume power. The Opposition attempted to challenge the right of the National Peasant Party to govern the country owing to the smallness of the poll it secured at the elections, though it was the Liberal party itself, now heading the Opposition, which introduced the law conferring a majority of seats in the Chamber on the party which would poll 40% of the votes.

M. Maniu was besought by his partisans to resume once more the premiership, but after several interviews with the King, declared himself unable to do so. He recommended, however, M. Vaida-Voevod to undertake the task, and accordingly a Cabinet headed by the latter was formed which includes both M. Mihalache and M. Madgearu, and other prominent members of the party. The government thus formed proceeded to secure a loan of 50 million swiss francs, wherewith to pay its officials for the time being, and to publish its program, which in the main lines aims at: Reforming the present electoral law, reintroducing administrative decentralization, and reorganizing the railway administration. Equitable treatment of minorities is promised, as well as a modification of the law concerning the conversion of agrarian debts. At the same time State finances are to be reorganized with the co-operation of the League of Nations.

This last plan, however, will not work out so smoothly, for the Opposition will do its utmost to stir up popular feeling against it. Even when two League delegates arrived in June, 1932, to examine the economic situation, the Press was unanimous in deprecating this public investigation and treating it as an offence against the country's dignity. The most widely read paper, having a daily circulation of some 40,000 copies, appeared with a leading article entitled "the day of shame."

regional differences into account. The persistent endeavour to create a strong centralization has been accompanied by parallel attempts to choke all natural expression of local life, contributing thereby to the drying up of the springs of national vitality and instilling in the mass of the people a spirit of apathy or of scarcely disguised hostility. Had the reverse policy been adopted, there is little doubt that the various provinces would have fostered local institutions on their own lines, and would have given a better structure to the whole system of administration by providing it with a backbone of local interest and control which it otherwise will continue to lack. At any rate it becomes daily more obvious that the decision taken at Versailles to transfer high-cultured communities completely out of harmony with Rumanian methods to Rumanian rule, without securing for them a certain degree of autonomy, was particularly unfelicitous for their members.

Whenever general elections are impending, the ethnic minorities are solicited by the various Rumanian parties for their votes, in exchange for which they secure assurances that their aspirations will be completely satisfied. The election over, however, these alluring promises are forgotten, as are also similar electoral pledges made to Rumanian electors. If the hopes of the ethnic minorities were not elated every now and then by such extravagant engagements they would feel less keenly the injustice that had been inflicted on them. As matters stand, Rumanian parliamentary candidates at election time serve to keep this wound open, which, with a little more skilful handling on their part, would have had a better chance of healing.

The main grounds for complaints in the case of Hungarians and Germans is the subject of their language. They find that a too exclusive use of the Rumanian tongue is insisted on in the various administrations as well as in the Tribunals, and that their children do not enjoy the same facilities to pursue their studies in their vernacular as when Transylvania formed a part of Hungary. All this is true, but it cannot be gainsaid that the Hungarian and German minorities are infinitely better off than is the German minority in the Italian

10: Logio S-4 (no date) 1932 ED1 Rumania ED1
Transylvania

supremacy which the Magyar still retains, and such an eventuality is fraught with danger for the Rumanian element in general, as it would tend to recreate a state of affairs similar to that existing before the war. Hungarian advances purporting to bring about the realization of such an eventuality have so far been coldly received, even those made by Count Bethlen to King Carol in person at Temişoara have not evoked a hearty response among Rumanians, either of Transylvania or of the old kingdom. The Magyar preponderance in urban districts of Transylvania became evident by the criticism with which the alteration of the law concerning the election of advisers in the Chambers of Commerce was met in 1929, when all these posts became elective instead of being partially nominatival. It was then reported that in the town of Cluj the Rumanians could count on only 20% in the commercial, and on only 30% in the industrial section of the Chamber, and it was proclaimed that measures ought to be taken to remedy the position of inferiority in which the Rumanian element had been placed, all the more so, since in other commercial and industrial centres, the position of the Rumanians was even worse than at Cluj.

Concerning these reported pourparlers for a personal union between Hungary and Rumania, it may be of interest to record what a Hungarian paper, the " Friss Hirek," published at Cluj, had to say on the meeting which took place at Temişoara between Count Bethlen and King Carol in 1932. In its issue of May 8th, 1932, dilating on this interview it stated among other things:—

" The negotiations concerning the personal union met with complete success and were based on the granting of independence to Transylvania under the leadership of Prince Michael, whose seat would be at Cluj, common Ministers for Foreign Affairs, War, and Finance. These matters were definitely agreed to. King Carol was to take up his residence for six months at Budapest and for six months at Bucarest.

The independence of Transylvania satisfied Count Bethlen as it would solve the minority problem. Transylvanians would enjoy equal rights and the various denominations

565 641 Iorga, spoke as follows at Bucau: "The upper class is totally devoid of an ideal, and of a moral mainspring, while the masses are not only tired and exhausted but impregnated by sullen dissatisfaction. The whole body of the State is in a condition of molecular dissolution." And this worthy, who according to the "Dreptatea" of May 19th, 1932, "compensated himself by seizing thirteen million lei on the evacuation of his tenure of the Ministry of the Interior in 1927," a feat which won for him at the time the appropriate name of "Vacuum cleaner," had the effrontery to conclude his oration with an appeal to the youth of the country to rally round him:—"We must change the moral structure of the country, but such a change cannot proceed from the old. We must appeal to the young intellectuals to join in the building of a new structure around us. Their place is not in the building which is tumbling down, but in those which are being built up. Come on, we are sure to win." If, indeed, Carol II has set his heart on saving his country by the help of such sorry individuals, we may well pity Rumania.

PRESENT-DAY PROBLEMS:
THE ELECTORAL LAW

646 666 The present electoral law, which confers a premium on the party which secures 40% of the total votes cast at an election and enables it to secure 70% of the mandates in the Chamber, was due to the initiative of the Bratianus who in 1926 aimed at installing General Averescu in office. They themselves had no need of this law, as at the elections which took place in 1927, 62% of the electors voted for them. It is a law that is favourable to groups devoid of popular support, as they can very easily, when in control of the administrative machinery, so manipulate the elections as to secure the requisite 40% which would confer on them a majority of 70% in the Chamber. So that as long as this law is not repealed there is little chance of a really popular party being elected to office, except if it be entrusted beforehand by the Crown with a mandate to call a general election.

It forms actually the great obstacle to a return to constitutional government, for, thanks to it, any coterie appointed to

power by the Crown can install itself in office, with the semblance of popular support, since it is relatively an easy matter for it to win the requisite 40%. It is somewhat surprising that the two main parties have not so far combined to secure the repeal of this law, which is the main instrument by which unpopular governments can be maintained in office, but their attitude may be explained by the fact that each is doubtful in present circumstances of obtaining a clear majority, while if by chance one of them were to be granted a mandate to call a general election it would easily gain a big majority through the existing law.

The present law is even unfavourable to the formation of a coalition government, for any one of the constituent parties obtaining 40% of the votes at an election would secure a majority which would dispense it from the obligation of co-operating any longer with other parties. The only way in which the present law could remain operative would be to decide beforehand on the allocation of the seats between the groups forming the coalition, but this is hardly within the bounds of possibilities as each party would insist on securing the largest number of seats for itself, and endless conflicts would be engendered over the allotment of ministerial posts and other functions which would endanger the very existence of the coalition.

Neither is it possible to form a government from among prominent members of the various parties without the participation of the latter, as these would object to being weakened and would react against their former leaders, undermining their prestige and authority, so that in the end such a government would be opposed by the political parties and consequently lose its popularity.

The difficulties inherent in the present electoral law have become obvious through the repeated failures of M. Titulescu to form a Coalition Government and the only explanation we may find for its maintenance is that the King finds in it a useful instrument wherewith to support his nominees in power. In fact, during the (1932) spring session of the Chamber some deputies moved that the law be revised, and the government at first condescended, but later, owing probably to palace influences, the matter was dropped.

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12: Kormos S-4, 5 (no date) 1944

ED1 Rumania ED1

471 of State and foreign concessionaires. State-monopolies, such as the manufacture and sale of explosives, tobacco, etc., were often leased to foreign trusts. Road building, for example, was in the hands of a Swedish company. So was the manufacture of matches sold by the State. The whole telephone system was installed and operated by a subsidiary of the American financial trust of Morgans. Nine-tenths of the oil industry were in British hands, the armaments works of Transylvania were controlled by British, French, Czech and German interests. The newly developed chemical industry of the country soon passed into German hands. As for agriculture, the export of produce was effectively controlled by several banks who were partly or wholly owned by foreign financial houses. During the nineteen-thirties pharmaceutical goods were imported almost exclusively from Germany.

445 565 THE GOVERNMENT. The most powerful of all political parties were the Liberals who were entrenched in influential positions of the administration, the army, finance and industry. Led traditionally by a member of the Bratianu family, whose name at one time was almost synonymous with that of Rumania, the Liberal Party was able to rule the country directly or indirectly up to a very short time ago. Her adherents had very little in common with the Liberals of the West, representing, as they did, the Right Wing of the numerically weak but financially 445 and politically powerful Rumanian bourgeoisie. An 446 electoral law introduced by the Liberal Government in 1926 stipulated that the party which had secured 40% of the votes should obtain 60% of all parlia-

12: Kosmos S-4, 5 (no date) 1944
ED1 Rumania ED1

mentary seats. This device, combined with the electoral methods adopted, normally assured the continuance of the government in power.[1] In Foreign Affairs the Liberals supported the French Alliance and the League of Nations in whose councils the Foreign Minister, N. Titulescu, had considerable influence.

The National Peasant Party led by Maniu and Mihalache had the support of the rural population and represented the Left Wing of Rumanian politics. The party stood for a genuine Land Reform. It was not, however, a homogeneous party. From the first it had a Right and a Left Wing. As time went on, and especially when the political situation became more confused in the late thirties, the Right Wing tended to sympathize with the Iron Guard against the Royal dictatorship and the Left Wing with the Communists. The failure of the National Peasant Party to hold power after 1928 was due to the lack of confidence in the people, the fear of radical changes favoured by many sections of the population and hesitation to attack the firmly entrenched vested interests resolutely.

Although Rumania had a parliamentary constitution the country was ruled by anything but democratic methods. Parliamentary representatives, ministers and the press could be made to advocate and carry out any measure if adequately paid by interested parties. The corruption of the lower civil service seemed as nothing compared with that on the top. State contracts, exemption from taxes and

[1] It failed only twice: in 1928 when the National Peasant Party gained an electoral victory and in 1937 when Tatarescu's government fell.

6: Shuster S-4 (no date) 1954 El Europe
Rumania EDI

sentative of all democratic elements of the population." Later, 648
at the Moscow Conference, the Western powers declared that 642
they would believe such a government existed as soon as repre-
sentatives of two political parties other than the Rumanian 666 •
Workers' Party had been named to ministerial posts, and as soon as satisfactory guarantees had been given that freedom of speech and assembly as well as the right to vote without constraint had been assured. Dr. Groza complied by appointing the two desired ministers to the Cabinet without portfolio and by announcing that free elections would be held soon; but, as was to be anticipated in view of the fact that the Russian Army held the country in an iron grip, the Rumanian Workers' Party received 90-odd per cent of the vote. The ministers without portfolio promptly resigned, and there was nothing the Western powers could do about it save to register an emphatic protest. This they did in language suitably designed for the occasion.

The elections referred to were held on November 19, 1946. [687]
Almost precisely a year later the leader of the principal opposition party, Dr. Juliu Maniu, was sentenced to life imprisonment for high treason. Unquestionably this able and farsighted man, who had served the government and the people of Rumania well over many years and had been identified with every movement for reform and justice, was the foremost of the nation's citizens. King Michael abdicated on December 30 of [643]
the same year and fled from his native land. Thereupon the "People's Republic" was proclaimed, and every source of potential opposition to it was ferreted out and suppressed. A Constitution of the usual kind was adopted on April 13, 1948. [491]
Now no obstacle barred the way for putting the Soviet paradise plan into effect. The principal productive enterprises were declared the property of the State, and this likewise became the sole arbiter of the educational system. Collective farming was introduced. A novelty was that new elections were held during

6: Shuster S-4 (no date) 1954 El Europe
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December, 1950. As a matter of course, only one party appeared on the ballot. Some 80,000 persons appointed to local soviets were duly elected.

181 One of the distinguishing characteristics of this "uprising of the proletariat" was the extreme paucity of Communists. Another was the fact that the population had no democratic tradition to fall back upon. The country had lived under a fascist type of dictatorship without sensing that it had been very differently treated than it would no doubt have been under a liberal regime. When the war was over, most of Antonescu's Iron Men simply transformed themselves into a different metal. We may say without hesitation that opportunism and not conviction made Rumania's transition to Sovietism so absurdly simple. Nobody had believed it possible that a man like Dr. Maniu could be clapped into jail, brought before the courts on a trumped-up charge, and sentenced. But the People's Democracy managed even that, and it was small wonder that the average citizen began to think earnestly about his own throat.

795 As we ponder the evil fortunes which lay ahead for religious confessions in Rumania, it is helpful to bear in mind that this country, the easternmost colony of the Roman Empire, learned to know Christianity as early as the second century of the present era. Congregations formed there were represented at some of the earliest councils of the Church. Subsequently, after wars and invasions had run their course, the Rumanian ecclesiastical establishment was affiliated with the Eastern, or Byzantine, Patriarchate. As a result Greek Orthodoxy became the confession to which the great majority of the people subscribed after the independence of the nation had been achieved in 1878. The Church thus established occupied a position in the life of the country which was not unlike that of the Orthodox Church in Bulgaria. The clergy participated in the official affairs of the nation. In general, exception having been duly